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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

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Closed Captioning and Video

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CC Docket No. 95-176

Description of Video Programming

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Comments of
Northern Virginia Resource Center for Deaf and Hard of Hearing Persons

Introduction

Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRC) submits these comments to the Federal Communications Commission's Notice of Inquiry on closed captioning and video description.

NVRC is a nonprofit organization in the Northern Virginia metropolitan area with a mission to serve as a catalyst in the empowerment of persons who are deaf and hard of hearing. Approximately 145,000 deaf and hard of hearing persons reside in the area served by NVRC.

During the past few years, NVRC has done several surveys to learn what unmet needs exist in the community and where consumers would like the Resource Center to focus its advocacy efforts. Each survey has shown the need for more captioning on television and improvements in the quality of the current captioning to be a top priority. Thus, NVRC is pleased to have this opportunity to provide comments which address these issues. We applaud the FCC for its recent activities bringing attention to the need for telecommunications access for all people.

In a recent newsletter, NVRC asked the Northern Virginia community what they would like to see included in our comments for this Notice of Inquiry. More than 50 individuals provided recommendations and suggestions which are incorporated in our comments.

Paragraph 11. Nature and Importance of Captioning: Number of individuals who can benefit.

It is clear from the comments NVRC received that everyone, not just deaf and hard of hearing individuals, benefits from captioning. Many if not most households

with a deaf or hard of hearing person who uses captions report that out of courtesy and respect they tend to only watch programs that are captioned so that the entire family may share the experience.

Statistics show that ninety to ninety five percent of deaf persons are born to hearing parents, and ninety to ninety-five percent of deaf persons have hearing children. The incidence of permanent hearing loss (approximately 10% of the population), coupled with the high incidence of temporary hearing loss, makes closed captioning useful on a regular basis to a large segment of the population. In addition, people who are able to follow television programs without captions report that they find closed captions very useful in situations where there is a high noise level or need for the sound from the television to be muted.

Paragraph 12. Nature and extent of potential benefits.

NVRC has heard from hundreds of individuals who cite many benefits from the use of closed captions on television. The most commonly cited benefit is a significant improvement in reading level for both children and adults. Captioned television has helped to build their vocabularies and to give them an understanding of many current idioms and slang expressions.

Many people now get their major information from television and radio. People whose hearing loss is especially severe report that closed captions on television have helped them feel they are no longer cut off from their world. They like being able to discuss what they saw on television with their friends, family, and co-workers. Their comments include "captioning makes me feel like my life is so much richer", and "now I can catch subtle things I never could before".

Other individuals who shared their views about closed captioned television with NVRC, including those with normal hearing, often mention that captioning was valuable in helping them follow televised conversation when the speaker has an unfamiliar accent.

Many caption users, both hearing and deaf or hard of hearing, reported that they have found captions invaluable in noisy areas such as health clubs, bars, restaurants, and airports.

Deaf and hard of hearing parents told NVRC that closed captions have been a great blessing to their families. Many report their relief at having the ability to monitor the programs their hearing children watch, and their anxiety and not being able to do so when programs are not closed captioned.

People who depend on captions for all their televised information often reported that other, hearing family members used captions and liked them. These hearing family members say that seeing the words as well as hearing them reinforces the information they are receiving. Hearing people also like the ability to continue watching television with the sound muted while they are on the telephone or another individual is resting nearby.

Deaf and hard of hearing persons have found captions to be an excellent way to improve their lipreading skills and understanding of the flow of speech when the captions match what is being said at exactly the same time it is being spoken.

People who can hear well with the use of hearing aids have reported that when their hearing aids are malfunctioning they are dependent on captions for much of their information. NVRC has also heard many testimonials from people whose hearing was temporarily disrupted by illness or injury and who quickly learned the value of captioning.

Paragraph 14. Availability of closed captioning of television video programming.

On the subject of availability of closed captioning of television video programming there is unanimous agreement that much more needs to be done. The following types of programming are most often cited as needing substantial improvement:

- Local television programs
- Local news (especially traffic reports, school and government closings)
- Emergency broadcasts
- Cable television programs
- Previews and coming attractions
- Recaps
- Children's programs
- Syndicated programs
- Classic movies
- Daytime programs
- Sports
- Advertising
- Policy discussions such as C-SPAN hearings, press conferences

People who are dependent on captioning for their information have told stories of their frustration and fear when they learn about local disasters by watching national

news programs. This happened to New Yorkers who lived and worked near the World Trade Center, to Californians during the recent earthquakes. Locally, residents reported their frustration with the spotty or nonexistent closed-captioning during the "Blizzard of 1996" and the D.C. drinking water emergency in 1995.

Also, many cable companies are now televising the meetings of city councils, boards of supervisors, school boards, and government commissions. In the local area, none of these televised meetings are closed captioned, leaving deaf and hard of hearing persons no choice but to attend a meeting in person. But these meetings do not routinely offer sign language or oral interpreters, cued speech transliterators, realtime captioning, or assistive listening devices needed by deaf and hard of hearing persons to be able to follow the discussion, or they require that these accommodations be requested far in advance of the meeting date. This results in deaf and hard of hearing persons continuing to be cut off from participating in their local government affairs.

Travelers reported that they are often frustrated by the lack of closed captioning in other areas. In an unfamiliar location, many did not feel safe being out at night, especially when traveling alone, and were frustrated that they could not relax in their rooms because of problems with closed captioning on television. Pay-per-view services in hotels and motels such as Spectravision do not advertise whether or not captions are available for their movies. The few travelers who have tried this service report that the movies were not captioned.

One cable company in NVRC's service area offers a 10% discount for users who depend on captions. However, since more than 90% of their programs are not captioned, they have had only a handful of applications for the discount.

Many people have reported their frustration when an anxiously-awaited rerun of favorite program does not have captions, although the original program did. NVRC believes strongly that captions should be mandated as a permanent part of any program, as inseparable as the sound.

Virtually every individual who has watched closed captions on television reports that television program guides are unreliable. These program guides do not always designate programs which are captioned, and also claim that a program is captioned when it is not. As one respondent said "If all programs were captioned, we wouldn't need to hunt in the program guides".

Penalties for not providing closed captions for emergency announcements, which, despite many complaints by local residents, continues to happen regularly, should be severe.

Cable companies which do not caption all their programs should be prohibited from charging subscribers who depend on captions a fee which does not reflect the percentage of captioning provided.

Many people who depend on captions object to the captions at the end of programs with the name of the sponsor or captioning agency. "We never see 'the sound was sponsored by such-and-such company'", one person said. NVRC believes that such a statement of sponsorship indicates the attitude that captions are a charity provided by the goodness of the benefactor, and not as it should be: sound business sense, good educational strategy, and equal access to information.

Paragraph 21. Provide information on the current and projected future levels of federal funding.

While federal funding has been the impetus for much of the growth of closed captioning, we believe this is an unhealthy and unwise dependency. Closed captioning should be treated as a regular part of the production of a program and not a special add-on feature. We strongly support the use of federal funding for research and improvements in closed captioning technology, and for assistance to programmers who prove that closed captioning would constitute an undue burden.

Paragraph 27. Mandatory requirements.

NVRC believes that closed captions should be an integral part of the production cost for any program, that they should stay with a program for its lifetime, and that there should be no exceptions to this mandatory requirement. Both the providers of programs and the producers should be required to be responsible for captioning so that reformatting will not destroy captions.

A clear and simple appeals process for viewers to cite violations to this should be established, with penalties that will provide a powerful incentive for self-monitoring and compliance.

We believe that as speech-to-text and other technologies are perfected and become more widely used, the cost for closed captioning will be drastically reduced.

Paragraph 31. Particular types of programs for which it is either impractical or unnecessary to provide closed captioning.

We do not believe there should be any exceptions to the requirement for captioning. Wherever there is audio, there should also be captions.

Paragraph 33. Accuracy of closed captioning on television programming.

Virtually all persons using closed captions reported difficulties with accuracy. Common complaints include:

- Captions that disappear from a program and sometimes do not reappear.
- Captions which are done in realtime (live captioning) are often inaccurate and garbled.
- Closed captions which cover other important information such as sports scores or names.
- Captions covering faces so that the speaker cannot be identified.

Area residents also often cited the extremely poor quality of captions on Fox network programs, which are often unreadable.

Another problem is the recent practice of reducing the program picture to a small box while running a trailer with an open-captioned announcement or update. The sound for the program continues, but the captions often disappear until the picture returns to its original size.

Electronic newsroom, or passive captioning, which is used for many local and news programs is very unpopular. Not only is it common for these captions to not match what is happening in the picture, but there are also large gaps where there is no captioning. People who watch news programs with passive captioning are cut off from all the spontaneous exchanges and late-breaking news. One individual reported watching a program where an excellent recipe for cake was being touted. The segment showing the reporter raving about the taste and then listing the ingredients was captioned, but the captions disappeared when the reporter was explaining how much of each ingredient to use and details such as oven temperature and baking time.

Many caption users report that they have called television stations to report problems with captions and have found the stations to be unresponsive. Some have called numerous times to complain and have never received a response. Only

one person reported any success in having a caption problem resolved. Television station personnel apparently are not trained, or do not make it a priority to monitor captions with the same care they give to sound quality. The two most common comments by caption users on this issue are "I called the station, but no one there knew what to do" and "I called the station, but they said they can't do anything" . Many also said that when they experienced caption problems they were not sure who to contact at a station to get it resolved.

It can be very frustrating for hearing persons and for expert lipreaders to watch captions which are not correctly synchronized with the picture. It is also important that as much information as possible be provided via captions -- music playing in the background, the sounding of a doorbell, the identity of a speaker who is offscreen.

It is imperative that minimum standards for closed captioning be developed as soon as possible. These standards **MUST** be developed with the active involvement consumers who use captions. They should address such issues as accuracy, content, style, and readability.

Transition

NVRC believes that 100% of programs should be closed captioned, subject to the undue burden limitation. Premium cable companies, out of fairness to consumers, should be required to caption all programs immediately after the rules become effective or adjust their rates to reflect the amount of closed captioning actually available until total captioning can be phased in.

Conclusion

NVRC thanks the Federal Communications Commission for the opportunity to comment on the captioning of video programming.

Respectfully submitted,

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